


**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Chapter 7	Number 4	Effective Date 07/22/10	Review Date 2013
Subject RAPE AND SEXUAL ASSAULT		<input type="checkbox"/> New Order <input checked="" type="checkbox"/> Replaces G.O. 7-4 (06/24/09)	
References CALEA 55.2.3a, 55.2.3b, 55.2.3c, 55.2.3d, 55.2.4a, 55.2.4b, 55.2.4c, 55.2.4d, 55.2.4e VLEPSC OPR.02.01a, OPR.02.01b, OPR.02.01c, OPR.02.01d, OPR.02.03a, OPR.02.03b, OPR.02.03c, OPR.02.03d, OPR.02.03e, OPR.02.03f, OPR.02.03g, OPR.02.05, ADM.16.01a, ADM.16.01b, ADM.16.01c, ADM.16.01d, ADM.23.02a, ADM.23.02b, ADM.23.02c, ADM.23.02d, ADM.23.02e, ADM.23.02f, ADM.23.03a, ADM.23.03b, ADM.23.03c, VA Code 19.2-11.2, 19.2-165.1, 19.2-368.3, 19.2-368.11:1, 42 U.S.C. §3796gg-4 (d) Commonwealth of Virginia Executive Order 92 (2009)			
 <hr/> Chief of Police or Designee		07/22/10 <hr/> Date	

I. PURPOSE

The purpose of this directive is to establish the proper guidelines for investigating rape and sexual assault complaints.

II. POLICY

It is the policy of the Richmond Police Department to provide officers with the proper **training and** guidelines for the effective investigation of rape and sexual assault complaints. The nature of these types of complaints requires enhanced discretion when dealing with a victim. The primary concern in a rape or sexual assault investigation is to maintain the physical and mental well being of the victim while obtaining the necessary information for a successful prosecution.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. PROCEDURE**A. Rape and Sexual Assault Complaints:**

Each police recruit shall, during his/her basic recruit class, receive training provided by a Department of Criminal Justice Services certified general instructor to identify the elements

involved and crime classifications of sexual offenses, define various types of sexual assault investigations and obtain knowledge of Virginia law related to sexual assault. Sworn officers shall adhere to the following procedures:

1. Upon receiving a complaint that a rape or sexual assault has occurred, the nearest available unit and an assisting unit will be dispatched to the scene. The responding officers will locate the victim and provide what first aid is necessary; broadcast pertinent information concerning the suspect; protect the crime scene; and locate, identify and interview the victim, witnesses and suspects.
2. **A field supervisor will respond on all rape and sexual assault complaints, screen the case and ensure that a detective supervisor is contacted. The detective supervisor will determine if an immediate detective response is necessary.**
3. If a detective responds, he/she will take charge of the investigation and conduct the interview.
4. The responding officer will compile the Incident Based Report (IBR) and the Victim Assault Report (PD-11). Under Section 19.2-11.2 of the Code of Virginia, the names and any identifying information of all sexual assault or rape victims shall be protected.
5. The officer shall check the "restricted box" in the name module of the IBR which prohibits public release of information.
6. On the IBR, it will be noted that either a detective responded, including his/her name, or that the detective supervisor, including name, was notified or he/she determined that a detective would not respond.
7. During the preliminary investigation, the responding officer or detective shall:
 - a) Give information to the victim/witness about applicable services such as medical services, compensation programs, counseling, legal services, etc.;
 - b) Advise the victim/witness about what to do if the suspect or suspect's companions or family threatens or intimidates him/her;
 - c) Inform the victim/witness about the case number and subsequent steps in the processing of the case;
 - d) Provide the telephone numbers that the victim/witness may call to report additional information about the case or to receive information about the status of the case;
 - e) Petition for an Emergency Protective Order (EPO), if necessary;
 - f) Provide transportation for victims to safe places or medical facilities;
 - g) Contact the on-call Commonwealth's Attorney;

- h) Document pertinent conditions, events and remarks;
 - i) *At no point during an investigation ask or require a victim of an alleged sex offense to submit to a polygraph examination or other truth-telling device as a condition preceding the investigation of such an offense. If a victim is requested to submit to a polygraph examination, he/she shall be informed in writing that the examination is voluntary, the results may be entered into evidence and neither agreeing or refusing to submit shall be the sole condition for initiating or continuing the criminal investigation nor will it prevent investigation, charging and prosecution of the offense.*
- B. If a detective responds, the following functions shall be performed by the detective or detective supervisor:
- 1. If the victim is unconscious or unresponsive and cannot give consent, determine if a Physical Evidence Recovery Kit (PERK) should be completed. In all other instances, the victim must give consent for completion of a PERK;
 - 2. If the victim refuses to cooperate with the police, they cannot be forced to submit to a PERK examination. The victim should, however, be encouraged by the detective to submit to the examination in the event that they change their mind at a later date;
 - 3. Process the crime scene – even if there are no visible injuries;
 - 4. *Locate, identify and* interview any witnesses, complainants and suspects;
 - 5. Recover all evidence that came into contact with the suspect;
 - 6. Photograph the victim - even if there are no visible injuries. (This will be completed by the Forensic Nurse if the victim is transported to a medical facility.);
 - 7. Document any and all injuries, bruises sustained by the victim, and the demeanor of the victim;
 - 8. Collect all the clothing, if the victim changed clothes;
 - 9. Discourage the victim from bathing, eating, drinking or using the restroom since this may destroy pertinent evidence;
 - 10. Contact the Division of Emergency Communications (DEC) for a copy of the 911 tape if the complaint was reported by telephone;
 - 11. Get the victim to sign the Medical Authorization Form at the scene/hospital; and,
 - 12. Utilize and collect buccal swab samples from the suspect using the Suspect PERK, if a suspect(s) is arrested or voluntary consent from the suspect is given.
- C. PERKs are supplied by the hospitals. If a rape or sexual assault report is not taken, it will remain the responsibility of the Richmond Police Department to retain custody of the PERK.

D. When a rape or sexual assault is reported and there are no detectives on duty, the incident shall be reported to the Officer-In-Charge (OIC) of the platoon on-duty. This OIC will determine the necessity of calling the on-call detective supervisor. The Major Crimes Division shall maintain a list, which is updated daily, containing the names and phone numbers of the on-call supervisors.

E. Response to Objections by Victim:

1. Reporting – Victims are not required to make a police report or to provide additional information. Officers shall adhere to the victim's request.
2. Interview – If the victim objects to being interviewed by a detective of the opposite sex, efforts shall be made to have an officer of the same sex participate in the interview.
3. PERKs – A victim who chooses not to participate in the investigation remains eligible to receive a PERK test at no expense to him/her.

A PERK with identifying information is available to officers even if the victim is unsure in their decision to report the incident. Officers shall ensure that the victim's name is clearly visible on the PERK and that the incident occurred within the City of Richmond prior to accepting it.

4. Investigation – If the victim does not wish to participate in the investigation, the officer shall respect and adhere to the victim's wishes. However, officers shall open an investigation by completing an IBR choosing "Blind PERK" as the offense. If an exact location cannot be determined, the offense location shall be listed as 501 North 9th Street. The nurse/doctor relinquishing custody of the PERK shall be listed as "complainant."

NOTE: In accordance with Virginia Executive Order 92 (2009), the Division of Consolidated Laboratory Services (State Lab) shall accept and store the PERK gathered from healthcare providers for up to 120 days in cases of sexual assault where the person elects not to make a report to law enforcement. An open investigation allows RPD officers to pick up and submit the PERK to the State Lab for analysis.

F. Responding to a Rape or Sexual Assault that has occurred in the past:

1. When a rape or sexual assault is reported and it is determined that the offense occurred 72 or more hours prior to the reporting of the offense, the responding officer will complete the IBR, and forward it through channels, to the Major Crimes Division.
2. A PERK is of no value in cases of rape or sexual assault which are reported 72-hours after the offense. However, the victim should be instructed to seek medical attention from a Sexual Assault Nurse Examiner for photos and other medical evaluation which are necessary for prosecution.

G. Rape and Sexual Assault Evidence:

1. The reporting officer or the investigating detective will recover the PERK from the examining doctor/nurse, see that the victim's name and other pertinent information are noted on the kit, and be certain that the signatures of the doctor and nurse are signed clearly. The officer who recovers the PERK will ensure that the PERK envelope is sealed, properly dated, and that the officer's code number is recorded on the seal.
2. *Notification of PERK retrieval shall be made by the Department of Emergency Communications (DEC) as follows:*
 - a. *During normal business hours (8:00 a.m. – 4:30 p.m.), notify the Major Crimes Division by calling 646-6741 or contact a Major Crimes Lieutenant to have a detective respond to retrieve the PERK.*
 - b. *After normal business hours (4:30 p.m. – midnight), contact the on-call Major Crimes Homicide/Aggravated Assault Sergeant that is on duty to have a detective respond to retrieve the PERK.*
 - c. *During the hours of midnight – 8:00 a.m., notify a patrol supervisor to request a patrol unit to respond (Richmond city cases only) to retrieve the PERK at the respective local or surrounding hospital or medical facility.*
 - d. *On weekends and holidays observed by the City of Richmond, notify the on-call Major Crimes Supervisor.*
3. The reporting officer or investigating detective will immediately deliver the PERK to the Police Property & Evidence Unit and fill out a property voucher form detailing the circumstances and description of the evidence. The assigned detective must take the PERK to the State Lab located at 400 E. Jackson Street within five (5) working days.
4. During the hours when the State Lab is closed, the PERK will be kept locked in the designated refrigerator in the Property & Evidence Unit.

H. Juvenile Sexual Assault Procedures:

In order to ensure that the best possible case is made for prosecution, the following procedures have been developed:

1. **A field supervisor will respond on all complaints of sexual assault against a juvenile.**
2. The field supervisor will request, through DEC, a juvenile investigator to respond to the scene or hospital.
3. If DEC is unable to reach a Youth and Family Crimes Team investigator, the field supervisor shall obtain the pager number of the Youth and Family Crimes Team's (YFCT) Detective Sergeant and page him/her.
4. If the YFCT supervisor determines that the immediate response of a detective is not necessary, he/she will either advise the officer on the scene that the immediate

arrest of the suspect is warranted or direct the officer to forward the completed investigative report to the YFCT for follow-up and additional investigation by detectives, prior to the arrest of the alleged suspect.

5. The duties of the responding detective will be to interview the victim, witnesses, and the suspect, and fully investigate the allegation prior to charges being placed.

NOTE: The Youth and Family Crimes Team will be notified on ALL sexual assaults involving juveniles. Notification shall be made involving incidents of indecent exposure in and around schools and school transportation pick up and delivery locations.

I. During the follow-up investigation, the investigating officer or detective shall:

1. Review preliminary investigation reports;
2. Conduct additional interviews and *interrogations*;
3. Prepare case files;
4. Collect and preserve additional physical evidence;
5. Identify and apprehend suspects; and,
6. Assist in the prosecution of the case.

J. If necessary, during the follow-up investigation, the responding officer or detective shall:

1. Contact the victim/witness, periodically, to determine whether their needs are being met in instances where the impact of a crime is unusually severe;
2. If not detrimental to the successful prosecution of the case, explain to the victim/witness the procedures involved in their case and their role in those proceedings;
3. If feasible, schedule lineups, interviews, and other required appearances at the convenience of the victim/witness and, at the option of the agency, provide transportation;
4. If feasible, promptly return any victim's/witness' property taken as evidence (except contraband, disputed property, and weapons used in the course of the crime), where permitted by law or rules of evidence;
5. Advise the victim/witness that a full-time Victim/Witness Coordinator (Advocate) is available through the Commonwealth's Attorney's Office's Victim/Witness Program.

Contact Information:

Northside: Victim/Witness Program
John Marshall Courts Building
400 N. 9th Street, 2nd Floor
Phone No. 646-7665 (Main Number)

Southside: Commonwealth's Attorney's Office
920 Hull Street, Room 119
Phone No. 646-8704

Juvenile: Juvenile and Domestic Relations Court
Commonwealth's Attorney's Office
1600 N. Oliver Hill Way
Phone No. 646-2950; and,

6. Consult with the Assistant Commonwealth Attorney assigned to the case.

V. FORMS

- A. IBR and any required supplemental forms;
- B. Sexual Assault Supplement Report (PD-11); and,
- C. Property Voucher Form.